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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,331	02/26/2004	Austin H. Lesea	X-1026-2D US	3977
24309	7590	05/27/2004		
XILINX, INC ATTN: LEGAL DEPARTMENT 2100 LOGIC DR SAN JOSE, CA 95124				
			EXAMINER PHAM, LY D	
			ART UNIT 2818	PAPER NUMBER

DATE MAILED: 05/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/787,331

Applicant(s)

LESEA, AUSTIN H.

Examiner

Ly D Pham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 May 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Applicant's Pre-amendment filed May 21, 2004 has been entered. Claim 1 has been amended.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1 – 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 claims a memory cell formed of complementary NMOS and PMOS transistors comprising a first inverter and a second inverter, etc..., of figure 6 as indicated by applicant. In lines 6 – 8 and 12 – 14, it is claimed that the first NMOS and PMOS transistors having respective first gates which provide respective first input nodes of the first inverter, and similarly, the second NMOS and PMOS transistors having respective second gates which provide respective second input nodes of the second inverter. These claimed features are considered unclear for the following reasons.

- i) These inverters are claimed to have more than one input node, while they have only one output node.
- ii) A node is used in electronic circuit to indicate a terminal, a definite physical point where an electrical contact can be made. Here, with what are claimed as the inverters' input

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nodes, one could not know, hypothetically, where to put a test probe to observe electrical waves of the inverters' inputs, as these inverters are claimed to have more than one input node.

iii) According to the design, the gates of these first NMOS and PMOS are intended to be input with coherent electric potentials, supplied by transistors 163 and 164; and similarly for the second inverter's NMOS and PMOS. According to the figure, if either of both of the transistors 163 and 164 malfunction, these inverters' input gates would not receive the intended input potentials, or they may receive voltages that are out of phase. As a result, these inverters' gates no longer serve as the inverters' input nodes as claimed because they depend on other components, which could alter their intended inputs (take for example, voltages from nodes 191 and 192).

Corrections and/or modifications of the claim are required in order to overcome this type of rejection, as the claim is in potential condition for allowance.

Conclusion

7. A shortened statutory period for response to this action is set to expire 3 (three) months and 0 (zero) day from the date of this letter. Failure to respond within the period for response will cause the application to become abandoned (see MPEP 710.02(b)).

8. Any inquiry concerning this communication on earlier communications from the examiner should be directed to Ly Pham, whose telephone number is 571-272-1793. The examiner can normally be reached on Monday – Friday from 8:30am to 5:00pm, alternate Friday

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off. The examiner's supervisor, David Nelms, can be reached at **571-272-1787**. The fax number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Ly Pham



May 24, 2004



David Nelms
Supervisory Patent Examiner
Technology Center 2800